IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

No. 4:97-CR-00005-F-1
No. 4:16-CV-00173-F

QUINTINE EARL WHITEHEAD,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

)

Respondent.

This matter is before the court on Quintine Earl Whitehead's Motion to Vacate, Set

Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-316]. Having examined

Whitehead's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the

United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing

Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned

§ 2255 motion within forty (40) days of the filing of this order.

Whitehead asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri R. Alspaugh with the Office of the Federal Public Defender has been appointed to represent Whitehead pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 2 & day of June, 2016.

JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE